

**VPDES General Permit Regulation for Discharges from Petroleum Contaminated Sites,
Groundwater Remediation and Hydrostatic Tests, 9VAC25-120
Summary of Significant Changes From the 2008 General Permit**

This general permit replaces the 2008 Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests General Permit (VAG83) which was issued for a five-year term on February 26, 2008. The changes to the regulation were made to make this general permit similar to other general permits issued recently, and in response to Technical Advisory Committee (TAC) suggestions, public comments, and staff requests to clarify and update permit limits and conditions.

Changes Since the Proposed Stage

Following is a list of the changes that were made to the regulation after the proposed regulation was published in the Virginia Register for the public comment period:

Section 70 D- Late registration statements. Modified this section to clarify the late registration statement provision and to more clearly define when an owner qualifies for "administrative continuance" of the general permit coverage.

Section 80, Part I, Table 2, 3, 4 & 5. Changed the flow reporting units from MGD to GPD to reflect the smaller flows that typically are measured at these facilities.

Section 80, Part I, Table 2, Footnote 1. Added the test method reference date back in for EPA SW 846 Method 8021B, which had been mistakenly removed.

Section 80, Part I, Table 2, Footnote 2. Added test method information for ethylene dibromide (EDB) in discharges to public water supplies, which had been mistakenly omitted.

Section 80, Part I, Table 2, Footnote 3. Added EPA SW 846 Method 8015C (2000) to the list of acceptable methods for analyzing ethanol.

Section 80, Part I, Table 3, Footnote 2. Added EPA SW 846 Method 8015C (2000) to the list of acceptable methods for analyzing TPH.

Section 80, Part I, Table 4, Footnote 1. Added EPA SW 846 Method 8015C (2000) to the list of acceptable methods for analyzing TPH.

Section 80, Part I, Table 4, Footnote 3. Based on public comment, clarified that the chlorine monitoring and limit only apply where chlorinated water is used for the hydrostatic test.

Documents Incorporated By Reference. Put the reference back in for EPA Drinking Water Method 504.1, which goes with the Section 80, Part I, Table 2, Footnote 2, EDB public water supply footnote, which had been omitted. Also added the reference for EPA SW 846 Method 8015C (2000).

Significant Changes from the 2008 Regulation

Following is a list of the significant changes from the 2008 regulation:

Section 50 - Purpose. Added coverage under the permit for hydrostatic tests of water storage tanks and pipelines. These tests are similar in discharge characteristics to the permit's existing hydrostatic tests, and were requested to be added to the permit coverage.

Section 60 - Authorization to Discharge, Subsection B. Added two reasons why a facility's discharge would not be eligible for coverage under the permit: (1) If the discharge violates or would violate the antidegradation policy in the Water Quality Standards at 9VAC25-260-30, and (2)

If the discharge is not consistent with the assumptions and requirements of an approved TMDL. These restrictions on coverage are being added to all general permits as they are reissued.

Section 60 - Authorization to Discharge, Subsection D. Added language to allow for administrative continuance of coverage under the expiring general permit until the new permit is issued by the Board, and coverage is either granted or denied. The permittee must submit a timely and complete registration statement prior to the expiration date of the existing permit, and be in compliance with the terms of the expiring permit in order to qualify for continuance. This language is being added to all general permits as they are reissued so permittees can discharge legally and safely if the permit reissuance process is delayed.

Section 70 - Registration Statement, Subsection B. Added a provision that allows specified short term projects (14 days or less in duration) and hydrostatic test discharges to be automatically covered under the permit without the requirement to submit a registration statement. Short term projects include: emergency repairs; dewatering projects; utility work and repairs in areas of known contamination; tank placement or removal in areas of known contamination; pilot studies or pilot tests, including aquifer tests; and new well construction discharges of groundwater. The owner is authorized to discharge under the permit immediately upon the permit's effective date, and must notify the department within 14 days of the discharge's completion. These discharges are subject to the same effluent limitations in the permit as other similar discharges. The minimal paperwork involved will allow these projects to proceed quickly, and will free up both owner and DEQ staff resources, while still protecting the environment.

Section 80 - General Permit, Part I A. Consolidated the Part I A Effluent Limitations and Monitoring Requirements for "Gasoline Contaminated Discharges" into one limits table, and for all receiving waters, and the discharges "Contaminated by Petroleum Products Other Than Gasoline" into one limits table, and for all receiving waters. Recalculated the effluent limits in the combined tables to be at the most protective levels for the discharge type and to protect all receiving waters based on an analysis of water quality criteria, toxicity data and best professional judgment. A review of existing permittee effluent monitoring data for the existing single limits tables show that permittees are currently meeting the proposed limitations with the treatment technology that is presently utilized.

Section 80 - General Permit, Part I B - Special Conditions. Added permit special conditions as follows:

- Special Condition #6. Added a requirement for the permittee to submit discharge monitoring reports to both the Department and the owner of the municipal storm sewer system (MS4) if they discharge to the MS4. This was added to the existing special condition at the request of the TAC to inform the MS4 owner of exactly what is being discharged to their system since MS4 owners are ultimately responsible for the discharges from the MS4.
- Special Condition #7. Requires the permittee to report monitoring results using the same number of significant digits as listed in the permit. This requirement spells out the number of significant digits that the permittee must use when reporting monitoring results to the Department, and is being added as necessary to all general permits as they are reissued.
- Special Condition #8. Requires the permittee to control discharges as necessary to meet water quality standards. This requirement was requested to be added by EPA to another recently reissued general permit, and is being added to all general permits as they are reissued.
- Special Condition #9. Coverage under this general permit does not relieve the permittee with the responsibility to comply with any other federal, state or local statute, ordinance or regulation.

This special condition is already in the regulation "Authorization to Discharge" section, but staff felt it should be repeated in the permit itself to remind the permittee of the responsibility.

- Special Condition #10. Requires the permittee to implement measures and controls consistent with a TMDL requirement when the facility is subject to an approved TMDL. This special condition language was developed by DEQ TMDL and VPDES Permits staff, and is being inserted into all general permits as they are reissued. The condition was developed since general permit discharges are considered insignificant to the overall TMDL waste load allocation. This special condition allows staff more flexibility to allow permit coverage for discharges without requiring immediate modification of the TMDL. DEQ will track the general permit discharges and once they become significant, the TMDL will be modified to include the load.

Section 80 - General Permit, Part II A - Monitoring. Added clarification that samples taken as required by the permit must be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories.